IN THE DISTRICT COURT OF THE VIRGIN ISLANDS DIVISION OF ST. CROIX

PETRO INDUSTRIAL SOLUTIONS, LLC (PETRO),

Plaintiff,

VS.

ISLAND PROJECT AND OPERATING SERVICES, LLC, VITOL US HOLDING II CO., VITOL VIRGIN ISLANDS CORP, ANDREW CANNING and OPTIS EUROPE, LTD.,

Defendants.

CASE NO. 1:21-CV-00312

BREACH OF CONTRACT

JURY TRIAL DEMANDED

EXPERT REPORT OF DON S. LAW, MBA PURSUANT TO RULE 26

COMES NOW, Plaintiff, **PETRO**, by and through undersigned counsel and provides its Expert Don S. Law, MBA's Disclosures pursuant to Rule 26 as follows:

Relevant Documents:

- 2021-2022 Proposed M/R Projects IPOS produced and attached hereto as Bates
 No. PIS008274.
- Petro Industrial 2019 T&M Rate Sheet produced and attached hereto as Bates
 No. PIS008275.
- 3. Rate Build-up sample produced and attached hereto as Bates No. PIS008276.
- Petro/IPOS Actual and Projected Income produced and attached hereto as Bates
 No. PIS008277 PIS008282.

LEE J. ROHN AND ASSOCIATES, LLC 1108 King St, Ste 3 Christiansted, VI 00820 Tel: 340.778.8855 Fax: 340.773.2954 lee@rohnlaw.com PETRO INDUSTRIAL SOLUTIONS, LLC V. IPOS, LLC, ET. AL., CASE NO. 1:21-CV-00312, PLAINTIFF PETRO'S EXPERT REPORT OF DON S. LAW, MBA PURSUANT TO RULE 26 Page 2

RESPECTFULLY SUBMITTED
LEE J. ROHN AND ASSOCIATES, LLC
Attorneys for Plaintiff

DATED: August 24, 2023 BY: <u>/s/ Lee J. Rohn</u>

Lee J. Rohn, Esq. VI Bar No. 52 1108 King Street, Suite 3 (mailing) 56 King Street, Third Floor (physical) Christiansted, St. Croix U.S. Virgin Islands 00820 Telephone: (340) 778-8855

lee@rohnlaw.com

PETRO INDUSTRIAL SOLUTIONS, LLC V. IPOS, LLC, ET. AL., CASE NO. 1:21-CV-00312, PLAINTIFF PETRO'S EXPERT REPORT OF DON S. LAW, MBA PURSUANT TO RULE 26 Page 3

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on August 24, 2023, I caused a true and correct copy of PLAINTIFF PETRO'S EXPERT REPORT OF DON S. LAW, MBA PURSUANT TO RULE 26 to be served via electronic mail upon:

Alex Kaplan Susman Godfrey 1000 Louisiana St., Suite 5100 Houston, TX 77002

Email Address: akaplan@susmangodfrey.com

Attorney For: Vitol US Holding Co., Vitol Virgin Islands Corp. and VITOL US

Holding II Co.

Andrew C. Simpson, Esq. Andrew C. Simpson, P.C. 2191 Church Street, Suite 5 Christiansted, VI 00820

Email Address: asimpson@coralbrief.com; coralbrief@gmail.com;

jaycie.jorgensen@gmail.com

Attorney For: Andrew Canning and OPTIS Europe, Ltd.

Carl A. Beckstedt, III, Esq. Beckstedt & Kuczynski LLP 2162 Church Street Christiansted, USVI 00820

Email Address: carl@beckstedtlaw.com; tarsha@beckstedtlaw.com Attorney For: Vitol Virgin Islands Corp. and VITOL US Holding II Co.

Y. Gloria Park, Esq. Sarah Hanningan, Esq. Susman Godfrey, LLP 1301 Avenue of the Americas, 32nd Floor New York, NY 10019

Email Address: shannigan@susmangodfrey.com; GPark@susmangodfrey.com Attorney For: Vitol US Holding Co., Vitol Virgin Islands Corp. and VITOL US Holding II Co.

Simone Francis, Esq
Ogletree, Deakins, Nash, Smoak & Stewart, LLC
The Tunick Building, Suite 201
1336 Beltjen Road
St. Thomas, VI 00802
Email Address: simone.francis@ogletreedeakins.com
Attorney For: Island Project and Operating Services, LLC

BY: /s/ Lee J. Rohn (raw)

2021-2022 Proposed M/R Projects IPOS

PROJECT NUMBER	TITLE	PER UNIT	Projected Total Amount	Labor Cost	Material/Equipment Cost	Projected Total Cost	Labor Profit	Material/Equipment Profit	Total Net Profit
1	MLA Removal in STX	\$55,000	\$55,000	\$8,692	\$39,300	\$47,992	\$5,003	\$3,930	\$8,933
2	Replacement of rotating Dolphins at STX	Total is \$97,900 (and includes turning bouys @ \$72,000)	\$97,900	\$72,000	\$13,426	\$85,426	\$41,443	\$1,343	\$42,786
3	Replacement Transfer Pumps for STX and STT	1 ea for STT and STX = \$65,000	\$130,000		\$110,500	\$110,500	\$0	\$11,050	\$11,050
4	Replacement 2-way Radios for STX and STT	\$35,000	\$35,000		\$29,750	\$29,750	\$0	\$2,975	\$2,975
5	Replacement Portable Gas Testers for STX and STT	\$10,000	\$10,000		\$8,500	\$8,500	\$0	\$850	\$850
6	Painting of Control Room at STX and STT	\$40,000	\$40,000	\$27,200	\$7,644	\$34,844	\$15,656	\$764	\$16,421
7	Painting of Pipe at STX and STT	\$360,000	\$360,000	\$245,988	\$66,045	\$312,033	\$141,591	\$6,605	\$148,195
8	Replacement block valves for Pumps and Tanks at STX and STT	STX & STT Export and Transfer Pumps = \$23,900. Tank Valves = \$617,600	\$641,500		\$545,275	\$545,275	\$0	\$54,528	\$54,528
9	Additional Stainless Steel Gearboxes and Brackets for Manual Valves	\$35,000	\$35,000			\$29,750	\$0	\$0	\$0
10	Repair of CCTV systems at both STX and STT	\$25,000	\$25,000	\$16,550	\$5,188	\$21,738	\$9,526	\$519	\$10,045
11	Annual Outages at both STX and STT	\$260,000	\$260,000	\$172,302	\$53,950	\$226,252	\$99,177	\$5,395	\$104,572
12	Annual Boiler Maintenance at both STX and STT	\$110,000	\$110,000	\$72,897	\$22,825	\$95,722	\$41,960	\$2,283	\$44,242
13	Annual Tank Level Gages Maintenance and Repair	\$70,000	\$70,000	\$46,389	\$14,525	\$60,914	\$26,702	\$1,453	\$28,154
14	API Tank Inspections for STX and STT	\$190,000	\$190,000	\$125,913	\$39,425	\$165,338	\$72,476	\$3,943	\$76,418
15	Boiler Feed Pump Replacements for STT and STX	\$20,000	\$20,000	\$13,254	\$4,150	\$17,404	\$7,629	\$415	\$8,044
16	Maintenance of new Security System at STT and STX	\$50,000	\$50,000	\$33,135	\$10,375	\$43,510	\$19,073	\$1,038	\$20,110
17	Mound settlement repairs at both STT and STX	STX = \$479,100 and STT = \$324,400	\$803,500	\$532,479	\$166,726	\$699,206	\$306,495	\$16,673	\$323,168
18	Valves and control revision for 'on the fly' switching of Vaporizers	STX = \$130,000 and STT = \$130,000	\$260,000		\$221,000	\$221,000	\$0	\$22,100	\$22,100
19	Dock Hose Emergency Disconnects	STX = \$130,000 and STT = \$	\$295,000		\$250,750	\$250,750	\$0	\$25,075	\$25,075
20	Portable Nitrogen Generator for STX	\$250,000	\$250,000		\$212,500	\$212,500	\$0	\$21,250	\$21,250
21	Stainless Steel Bolts for replacement of rusted bolts in STT and STX	\$100,000	\$100,000	\$66,270	\$20,750	\$87,020	\$38,145	\$2,075	\$40,220
22	Replacement Grating on Fire Pump platform at STX	\$5,000	\$5,000	\$3,314	\$1,038	\$4,351	\$1,907	\$104	\$2,011
23	Tank PRV double block and bleed Valves	STX and STT \$20,000	\$40,000		\$34,000	\$34,000	\$0	\$3,400	\$3,400
24	Maintenance on Export Pump Motors	\$100,000	\$100,000	\$66,270	\$20,750	\$87,020	\$38,145	\$2,075	\$40,220
25	Replacement wet end of Fire Pumps at both STT and STX	\$330,000	\$330,000		\$280,500	\$280,500	\$0	\$28,050	\$28,050
26	Design and installation of Fire Pump test loop at both STT and STX	STX = \$35,000 and STT = \$3		\$46,389	\$14,525	\$60,914	\$26,702	\$1,453	\$28,154
27	Electrical test equipment	\$9,000	\$9,000		\$7,650	\$7,650	\$0	\$765	\$765
28	Purchase of VINCO valves	\$9,000	\$9,000		\$7,650	\$7,650	\$0	\$765	\$765
29	Rotork Actuators Annual Service/Repair	\$50,000	\$50,000	\$33,135	\$10,375	\$43,510	\$19,073	\$1,038	\$20,110
30	Semi-annual checks on the Nitrogen Generator and Air Com	\$32,000	\$32,000	\$21,206	\$6,640	\$27,846	\$12,206	\$664	\$12,870

\$4,482,900 \$3,858,866 \$1,145,481

Exhibit A PIS008274



PO Box 26303 Christiansted, VI 00824 Ph.340.626.3622

Customer:	IPOS - Island Project and Operating Services	DATE	9/1/2020
Project:	2020 T&M Rate Sheet - Labor	PO #	
Phase:		REV. #	2
Location:	ST.CROIX / ST. THOMAS USVI		

2019 T&M Rate Sheet - Labor													
#	DIVISION	TRADE	TRADE HOURLY RATES CON						AY RATES	DAYS	TOTAL		
	DIVISION		CLASS	REGULAR	OT	REG	OT	REG	OT				
1		PROJECT MANAGER	PM	\$ 100	\$ 130	\$84.00	\$114.40	\$65.00	\$104.00				
2	2	PROJECT ENGINEER	PM	\$ 115	\$ 150	\$96.60	\$131.56	\$74.75	\$119.60				
2	2	LEAD SUPERINTENDENT	SPT	\$ 82	\$ 107	\$68.88	\$93.81	\$53.30	\$85.28				
3	MANAGEMENT	FIELD SUPERINTENDENT	SPT	\$ 65	\$ 85	\$54.60	\$74.36	\$42.25	\$67.60				
4		TRADE FOREMAN (C,M,E,P)	FRM	\$ 60	\$ 78	\$50.40	\$68.64	\$39.00	\$62.40				
5	j j	SAFETY SUPERVISOR	SFT	\$ 50	\$ 65	\$42.00	\$57.20	\$32.50	\$52.00				
6	j j	ADMINISTRATIVE ASSISTANT	ADM	\$ 35	\$ 46	\$29.40	\$40.04	\$22.75	\$36.40				
7	OLIALITY CONTROL	QUALITY CONTROL- CWI	QT	\$ 65	\$ 85	\$54.60	\$74.36	\$42.25	\$67.60				
8	QUALITY CONTROL	QUALITY CONTROL- NON- CWI	QT	\$ 50	\$ 65	\$42.00	\$57.20	\$32.50	\$52.00				
9)	INSTRUMENT TECHNICIAN	ITC	\$ 82	\$ 107	\$68.88	\$93.81	\$53.30	\$85.28				
10		MILLWRIGHT	Α	\$ 60	\$ 78	\$50.40	\$68.64	\$39.00	\$62.40				
11		PIPE FITTER	Α	\$ 50	\$ 65	\$42.00	\$57.20	\$32.50	\$52.00				
12	MECHANICAL	WELDER	Α	\$ 60	\$ 78	\$50.40	\$68.64	\$39.00	\$62.40				
13	MECHANICAL	BOILERMAKER	Α	\$ 50	\$ 65	\$42.00	\$57.20	\$32.50	\$52.00				
14	Į.	PAINTER	Α	\$ 44	\$ 57	\$36.96	\$50.34	\$28.60	\$45.76				
15	j	BLASTER	Α	\$ 44	\$ 57	\$36.96	\$50.34	\$28.60	\$45.76				
16		INSULATOR	Α	\$ 44	\$ 57	\$36.96	\$50.34	\$28.60	\$45.76				
17	' ELECTRICAL	ELECTRICIAN	Α	\$ 60	\$ 78	\$50.40	\$68.64	\$39.00	\$62.40				
18	3	CARPENTER	Α	\$ 45	\$ 59	\$37.80	\$51.48	\$29.25	\$46.80				
19	CIVIL	MASON	А	\$ 44	\$ 57	\$36.96	\$50.34	\$28.60	\$45.76				
20		RODBUSTER	Α	\$ 42	\$ 55	\$35.28	\$48.05	\$27.30	\$43.68				
21	APPRENTICES	LABORER	В	\$ 35	\$ 46	\$29.40	\$40.04	\$22.75	\$36.40				

¹⁾ LABOR RATES INCLUDE, TRAINING, INSURANCE AND OVERHEAD. 2) OTHER EXPENSES TO BE REIMBURSED AT COST PLUS 15% WITH PRIOR APPROVAL.

²⁾ With prior IPOS management approval for use of non-local labor, travel expenses (airfare, transportation) will be reimbursed at cost plus 15%. If IPOS lodging is not available, rental lodging will be reimbursed at cost plus 15%, with approval by IPOS. For non-local labor, per diem rate will be \$75 per day.

³⁾ Contract Rate are only in used with an annual contract / Call out Rates are based on the Hourly Rates above with a minimum of 4hours

Project: Prepared By: AM

Project Number: Date: 1-Feb-23

Location: St. Croix, USVI Rev: 1

Currency: USD

All-in Labour Rate Build-up

	QA/AC - CWI				
Description	Basis	Cost / hr			
Base Direct Labour		\$33.00			
Payroll Taxes (FICA)	7.65% of base	\$2.52	(Employer Responsibility)		
Indirect Costs	10% of base	\$3.30	(Outside Office/Maintenance/Utility costs)		
Small tools	3% of base	\$0.99			
Insurance	8% of direct & indirect	\$2.90	(GL, Excess, Automobile, etc)		
Company Overhead	10% of base	\$3.30	(Administrative & Payroll Processing)		
PPE, Health & Safety training	4% of direct & indirect	\$1.45	(PPE & Safety Training Cost)		
Equipment, fuel, maintenance	3% of base	\$0.99	(Fuel & Maintenance on Equipment & Vehicles)		
Gross Receipt Taxes	5% of direct & indirect	\$2.42	(GRT on total items above)		
Subtotal		\$50.88			
Contractor's fee / profit	5% of subtotal	\$2.54			
Total All-in Rate (incl profit)		\$53.43			

^{*}Please note, non-local labor will include travel expenses (airfare, transportation) and lodging.

PETRO / IPOS ACTUAL AND PROJECTED INCOME

	Year	Actual Income /	Labor Cost	Ma	terial/Equipme	P	rojected Total	I	Labor Profit	Ma	terial/Equipme	Total Net	Actual and	Multiplier	Avg.
		Per 1099			nt Cost		Cost				nt	Profit	projected		Multiplier
											Profit				
7 Months	2018	\$ 832,837.55	\$ 297,878.06	\$	413,498.67	\$	711,376.73	\$	171,458.94	\$	41,350.76	\$ 212,809.70	\$ 364,816.62		
	2019	\$ 1,298,481.00	\$ 464,423.11	\$	644,687.75	\$	1,109,110.86	\$	267,322.45	\$	64,470.17	\$ 331,792.61	\$ 331,792.61	0.90947778	
	2020	\$ 2,266,382.70	\$ 810,609.09	\$	1,125,244.93	\$	1,935,854.02	\$	466,587.47	\$	112,526.92	\$ 579,114.39	\$ 579,114.39	1.74541075	
7 Months	2021	\$ 1,719,346.52	\$ 614,952.59	\$	853,644.87	\$	1,468,597.46	\$	353,967.38	\$	85,366.33	\$ 439,333.71	\$ 753,143.50	1.30050903	1.318465857
	2022	\$ 4,169,090.00	\$ 1,491,143.69	\$	2,069,927.28	\$	3,561,070.97	\$	858,302.31	\$	206,992.73	\$ 1,065,295.03	\$ 1,065,295.03	1.41446488	
	2023												\$ 1,404,555.13	1.31846586	
	2024												\$ 1,851,857.98	1.31846586	
	2025												\$ 2,441,611.53	1.31846586	
	2026												\$ 3,219,181.43	1.31846586	

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PAYER'S name, street address, or foreign postal code, and telept	ity or town, state or province, country, in one no.	I Rents \$ 2 Royalties	2018	M iscellaneous Income
Island Project & Operating S	ervices LLC	\$	Form 1099-MISC	1 Cany P
PO Box 303388 St. Thomas, VI 00803-0000		3 Other income	4 Federal income tax withheld \$	Copy B For Recipient
PAYER'S TIN	RECIPIENT'S TIN	5 Fishing boat proceeds	6 Medical and health care payments	
66-0816909	66-0895880	\$	\$	
RECIPIENT'S name Petro Industrial Solutions Li Street address (including apt. no.	= =	7 Nonemployee compensation \$ 832,837.55	Substitute payments in lieu o dividends or interest	This is important tax information and is being furnished to the IRS. If you are
PO Box 2630 City or town, state or province, co	ountry, and ZIP or foreign postal code	9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale ▶	10 Crop insurance proceeds	required to file a return, a negligence penalty or other sancted on you
Christiansted, VI 00824		11	12	imposed on you if this income is taxable and the IRS
Account number (see instructions	FATCA filing requirement	13 Excess golden parachute payments	14 Gross proceeds paid to an attorney	determines that it has not been reported.
15a Section 409A deferrals	15b Section 409A income	16 State tax withheld	17 State/Payer's state no.	18 State income \$
\$	\$	\$		\$

Form 1099-MISC

(keep for your records)

www.irs.gov/Form1099MISC

Department of the Treasury - Internal Revenue Service

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		CORRE	CTED (II Checked)		
PAYER'S name, street address, city or or foreign postal code, and telephone	r town, state or no.	r province, country, ZIP	1 Rents	OMB No. 1545-0115	Miscellaneous
			\$ 2 Royalties	2019	Income
			\$	Form 1099-MISC	
Island Project & Operating Serv	rices LLC		3 Other income	4 Federal income tax withheld	Copy B
PO Box 303388			S	\$	For Recipient
St. Thomas, VI 00803-0000 PAYER'S TIN	RECIPIENT'S	2 TINI	5 Fishing boat proceeds	6 Medical and health care payments	
FATEROTIN			\$	\$	
66-0816909	6	6-0895880	7 Nonemployee compensation	8 Substitute payments in lieu o	f
RECIPIENT'S name Petro Industrial Solutions LLC				dividends or interest	This is important tax information and is being furnished to the IRS. If you are
Street address (including apt. no.)			\$ 1298481.28 9 Payer made direct sales of \$5,000 or more of consumer	10 Crop insurance proceeds	required to file a return, a negligence penalty or other
PO Box 2630 City or town, state or province, count	to and ZIP or f	foreign postal code	products to a buyer (recipient) for resale ►	\$	sanction may be
N Company	ay, and zir or i	loroigh poolal osas	11	12	imposed on you ii this income is taxable and the IRS
Christiansted, VI 00824		ATOA MILE	13 Excess golden parachute	14 Gross proceeds paid to an	determines that i
Account number (see instructions)		ATCA filing equirement	payments	attorney	has not beer reported
			\$	\$	
15a Section 409A deferrals	15b Section	409A income	16 State tax withheld	17 State/Payer's state no.	18 State income
\$	\$		\$		\$

Form 1099-MISC

(keep for your records)

www.irs.gov/Form1099MISC

Department of the Treasury - Internal Revenue Service

Case: 1:21-cv-00312-WAL-EAH Filed: 01/19/24 Page 10 of 12 OMB No. 1545-0116 PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. Nonemployee VITOL VIRGIN ISLANDS CORP. 2020 2925 RICHMOND AVE., 11TH FLOOR Compensation HOUSTON, TX 77098 Form 1099-NEC Copy 2 1 Nonemployee compensation (713) 230-1000 379195.70 \$ To be filed with 2 RECIPIENT'S TIN recipient's state PAYER'S TIN income tax return, when required. 66-0895888 90-1005673 3 RECIPIENT'S name PETRO INDUSTRIAL SOLUTIONS, LLC P. O BOX 26303 4 Federal income tax withheld CHRISTIANSTED, VI 00824 FATCA filing requirement 7 State income 6 State/Payer's state no. 5 State tax withheld Account number (see instructions) 86284 Department of the Treasury - Internal Revenue Service

www.irs.gov/Form1099NEC

Form 1099-NEC

Combined Coos

Case: 1:21-cv-00312-WAL-EAH **GONFIDENTIAL** Filed: 01/19/24 Page 11 of 12

	☐ CORRE	CT	ED (if checked)		
or foreign postal code, and telephone		10 CE 10 PROSESSES		OMB No. 1545-0116 2020 Form 1099-NEC	Nonemployee Compensation
Island Project & Operating Serv PO Box 303388	rices LLC	1	Nonemployee compensation		Copy B
St. Thomas, VI 00803-0000		\$		1,887,187	
PAYER'S TIN	RECIPIENT'S TIN	2			
66-0816909	66-0895880	3			
RECIPIENT'S name Petro Industrial		N.SOUR			This is important tax information and is being furnished to the IRS. If you are
Street address (including apt. no.) PO Box 26303		\$	Federal Income tax withheld		required to file a return, a negligence penalty or other sanction may be
Clty or town, state or province, country, and ZIP or foreign postal code			£		imposed on you if this income is taxable and the IRS determines that it has
St. Croix 00824, Virgin Islands,	U.S. FATCA filing requirement			*	not been reported.
Account number (see Instructions)		\$	State tax withheld	S State/Payer's state no.	7 State Income \$
		\$			\$
Form 1099-NEC (k	eep for your records)		www.irs.gov/Form1099NEC	Department of the Trea	sury - Internal Revenue Service

Exhibit A

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	☐ CORRI	ECTED (if checked)						
or foreign postal code, and telepho				OMB No. 1545-0116 Form 1099-NEC		Nonemployee		
Island Project & Operati	ng services LLC			(Rev. January 2022)		Compensation		
PO Box 303388	202			For calendar year				
St. Thomas, VI 00803-0	000			20 21		Copy B		
PAYER'S TIN	RECIPIENT'S TIN		1 Nonemployee compensation					
66-0816909	66-0895880	\$1,719,346.52				For Recipient This is important tax		
RECIPIENT'S name		2 Payer made direct sales totaling \$5,000 or more of consumer products to recipient for resale						
Petro Industrial		3		required to file a return, a negligence penalty or other				
Street address (including apt. no.)	2				學學	sanction may be imposed on		
PO Box 26303 City or town, state or province, cou	4 Federal income tax v	withhe	eld		you if this income is taxable and the IRS determines that it has not been reported.			
St. Croix 00824, Virgin	5 State tax withheld	6 Sta	ate/Payer's state по.		7 State income			
Account number (see instructions)		\$				\$		
		\$				\$		
Form 1099-NEC (Rev. 1-2022)	(keep for your records)	www.irs.gov/Form1099N8	EC	Department of the	reasury -	Internal Revenue Service		

Up to July 2021